

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EAGLE SPE NV I, INC.,)	3:12-cv-00245-RCJ-WGC
)	
Plaintiff,)	<u>MINUTES OF PROCEEDINGS</u>
)	
vs.)	April 17, 2015
)	
KILEY RANCH COMMUNITIES, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: Katie Lynn Ogden REPORTER: FTR

COUNSEL FOR PLAINTIFF: Frank LaForge

COUNSEL FOR DEFENDANTS: Kent Robison

MINUTES OF PROCEEDINGS: Motion Hearing

1:31 p.m. Court convenes.

The court holds today's conference to address plaintiff Eagle SPE NV I, Inc.'s Motion for Sanctions (Doc. # 99).

Defendants' counsel Kent Robison indicates all Defendants have filed for bankruptcy. Defendant Mike Kiley has filed for bankruptcy in Utah, where he currently resides. All other named individual Defendants and the company Kiley Ranch Communities have filed for bankruptcy in Reno, Nevada. In view of the Defendants seeking bankruptcy protection, counsel for Defendants Mr. Robison states he can no longer litigate this matter in the district court and that he believes this matter should be resolved in the bankruptcy court.

The court and counsel briefly discuss whether the counterclaim still exists in this action. Plaintiff's counsel believes the counterclaim still exists while counsel for Defendants indicates, regardless whether the counterclaim still exists or not, this action before the district court is entirely stayed.

After hearing from counsel, the court expresses concern regarding the posture of the case and whether the court itself has any authority to grant sanctions against parties who have filed for

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bankruptcy.

In view of the court's concerns, Plaintiff's motion for sanctions (Doc. # 99) is **DENIED without prejudice**. The court schedules a status conference for Tuesday, May 26, 2015, at 1:30 p.m., to address the status of the case. The court encourages counsel to meet and confer with bankruptcy counsel during the interim to address, and if appropriate, resolve the counterclaim.

IT IS SO ORDERED.

1:50 p.m. Court adjourns.

LANCE S. WILSON, CLERK

By: /s/
Katie Lynn Ogden, Deputy Clerk